

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Nathaniel Travon Martin,
Plaintiff

v.
Joe Lombardo, et al.,
Defendants

2:17-cv-00806-JAD-CWH

Order

[ECF No. 1]

Pro se plaintiff Nathaniel Travon Martin, a former detainee at the Clark County Detention Center, brings this civil rights complaint under 42 U.S.C. § 1983.¹ Magistrate Judge Hoffman issued an order on June 20, 2017, directing Martin to file his updated address with this court on or before July 14, 2017.² The deadline has now expired and Martin has not filed his updated address or otherwise responded to that order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.³ A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.⁴ In determining whether to dismiss an

¹ ECF No. 1.

2 ECF No. 3.

³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

⁴ See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 action for lack of prosecution, failure to obey a court order, or failure to comply with local rules, I
 2 must consider several factors: (1) the public's interest in expeditious resolution of litigation; (2) the
 3 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
 4 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁵

5 The first two factors—the public's interest in expeditiously resolving this litigation and the
 6 court's interest in managing the docket—weigh in favor of dismissal. The third factor—risk of
 7 prejudice to defendants—also weighs in favor of dismissal, since a presumption of injury arises from
 8 the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an
 9 action.⁶ The fourth factor—public policy favoring disposition of cases on their merits—is greatly
 10 outweighed by the factors favoring dismissal. Finally, a court's warning to a party that his failure to
 11 obey the court's order will result in dismissal satisfies the “consideration of alternatives”
 12 requirement.⁷ Magistrate Judge Hoffman's order requiring Martin to file his updated address with
 13 the court on or before Friday, July 14, 2017, expressly stated: “IT IS FURTHER ORDERED that if
 14 plaintiff fails to timely comply with this order, the court will recommend dismissal of this case
 15 without prejudice.”⁸ Thus, Martin had adequate warning that dismissal would result from his
 16 noncompliance with the order to file his updated address on or before Friday, July 14, 2017.

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⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

⁶ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

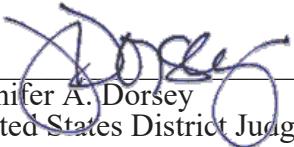
⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424.

⁸ ECF No. 3 at 2.

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1 Accordingly, IT IS HEREBY ORDERED, ADJUDGED, and DECREED, that this action is
2 **DISMISSED without prejudice** due to Martin's failure to comply with Judge Hoffman's June 20,
3 2017, order. The Clerk of Court is directed to deny all motions as moot and **CLOSE THIS CASE.**

4 DATED July 19, 2017.

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6 Jennifer A. Dorsey
7 United States District Judge

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